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ATTORNEYS FOR DEFENDANT  
AETNA LIFE INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

1 CONRAD HAYNES,  
2 Plaintiff,

3 v.

4 BANK OF AMERICA GROUP BENEFITS  
5 PROGRAM, BANK OF AMERICA N.A.,  
6 BANK OF AMERICA CORPORATE  
BENEFITS COMMITTEE, AETNA LIFE  
INSURANCE COMPANY,

7 Defendants.  
8  
9

Case No. C12-5879 JST

**STIPULATION FOR DISMISSAL WITH  
PREJUDICE AND [PROPOSED] ORDER  
THEREON**

10 WHEREAS, Plaintiff filed his Complaint on November 16, 2012 alleging causes of action  
11 for ERISA benefits due, breach of fiduciary duty, violation of California Insurance Code § 10110.2,  
12 failure to pay salary due and for intentional infliction of emotional distress; and

13 WHEREAS, Plaintiff and Defendants resolved this matter at mediation on July 11, 2013.

14 IT IS THEREFORE STIPULATED by and between Plaintiff Conrad Haynes and Defendants  
15 Bank of America Group Benefits Program, Bank of America N.A., Bank of America Corporate  
16 Benefits Committee, and Aetna Life Insurance Company (collectively "Defendants") that, pursuant  
17 to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), this action and all claims Plaintiff Conrad  
18 Haynes has asserted against Defendants in this action *are dismissed with prejudice*. Plaintiff and  
19 Defendants stipulate that each party shall bear their own attorneys' fees and costs.  
20

21 Dated: September 11, 2013

By: /s/ Laurence F. Padway

Laurence F. Padway  
Law Offices of Laurence F. Padway  
Attorneys for Plaintiff  
CONRAD HAYNES  
22  
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Dated: September 11, 2013

By: /s/ Wood W. Lay  
 Amanda L. Groves  
 Wood W. Lay  
 Winston & Strawn LLP  
 Attorneys for Defendants  
 BANK OF AMERICA GROUP  
 BENEFITS PROGRAM, BANK OF  
 AMERICA N.A., BANK OF AMERICA  
 CORPORATE BENEFITS  
 COMMITTEE

Dated: September 11, 2013

By: /s/ Spencer P. Hugret  
 Jordan S. Altura  
 Spencer P. Hugret  
 Gordon & Rees LLP  
 Attorneys for Defendant  
 AETNA LIFE INSURANCE  
 COMPANY

**ATTESTATION OF E-FILED SIGNATURE**

I, Laurence F. Padway, am the ECF user whose ID and password are being used to file this Stipulation and Proposed Order. In compliance with Local Rule 5-1(i), I hereby attest that all counsel concurred in this filing.

DATED: September \_\_, 2013

THE LAW OFFICES OF LAURENCE F. PADWAY

By /s/ Laurence F. Padway  
 Laurence F. Padway  
 Attorney for Plaintiff  
 CONRAD HAYNES

The Court, having considered the Stipulation of the parties and good cause appearing thereon, orders as follows:

- 1) The matter is dismissed with prejudice against Defendants pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii);
- 2) Each party shall bear their own attorneys' fees and costs; and

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1 ///

2 3) The Court shall retain jurisdiction over this matter to enforce the terms of the  
3 Confidential Settlement Agreement and Full and Final Release.

4 **IT IS SO ORDERED.**

5  
6 Dated: \_\_\_\_\_

By: \_\_\_\_\_

7 Jon S. Tigar  
8 United States District Court Judge  
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